IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

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YOUNG CONSERVATIVES OF TEXAS FOUNDATION

Plaintiff,

v.

THE UNIVERSITY OF NORTH TEXAS, THE UNIVESITY OF NORTH TEXAS SYSTEM, NEAL SMATRESK, PRESIDENT OF THE UNIVERSITY OF NORTH TEXAS and SHANNON GOODMAN, VICE PRESIDENT FOR ENROLLMENT OF THE UNIVERSITY OF NORTH TEXAS,

Defendants.

CIVIL ACTION NO. 4:20-cv-00973

DECLARATION OF JAMES GARRISON

§

§

My name is James Garrison. I have never been convicted of a felony or a crime of moral turpitude. I am in all ways competent to make this declaration. Pursuant to 28 U.S.C. § 1746, I declare as follows:

- 1. I am the Associate Vice President of Enrollment Systems for the University of North Texas (UNT). I have served in this role since 2019. As the Associate Vice President of Enrollment Systems at UNT, I am responsible for administrative matters across UNT, including overseeing the procedures and processes for student applications.
- 2. The facts set forth in this declaration are drawn from information I have received or compiled myself in my work as Associate Vice President of Enrollment Systems. Through my role, I am familiar with the processes involved with student applications.

- 3. UNT utilizes the Apply Texas Application, the State's admission application process administered by the Coordinating Board, and the CommonApp for admissions purposes. Both applications utilize the Core Residency Questions promulgated by the Coordinating Board.
- 4. Students are required to answer the Core Residency Questions as part of the admissions process, a true and correct copy of which is attached to this declaration as Attachment A.
- 5. Students may be required to submit documentation regarding a person's responses to the Core Residency Questions. A true and correct copy of Documentation to Support Establishing and Maintaining Domicile in Texas is attached to this declaration as Attachment B.
 - 6. There are multiple ways for a student to qualify for resident tuition.
- 7. A United States citizen or national is eligible to qualify for resident tuition in the same or lesser manner as a non-US citizen or Permanent Resident.
- 8. A student who is not a U.S. citizen or Permanent Resident, in addition to satisfying all other residency requirements applicable to U.S. citizens or Permanent Residents, must file a signed affidavit stating that the student will apply to become a Permanent Resident of the U.S. as soon as eligible ("Permanent Resident Affidavit") in order to receive resident tuition. A true and correct copy of the Permanent Resident Affidavit is attached to this declaration as Attachment C.
- 9. Non-Texas students have no additional affidavit requirements for satisfying residency.
- 10. UNT currently enrolls more than 6,000 students who pay nonresident tuition. An injunction stopping UNT from charging those students nonresident tuition would result in a loss of approximately \$25,000,000 dollars per semester.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18 day of January 2022.

James Garrison

Core Residency Questions

Texas Higher Education Coordinating Board rule 21.25 requires each student applying to enroll at an institution to respond to a set of core residency questions for the purpose of determining the student's eligibility for classification as a resident.

PART A.	Student Basic Information. All Students must complete this section.
Name:	Student ID Number:
Date of Bir	th:
PART B.	Previous Enrollment. For all students.
college or	the 12 months prior to the term for which you are applying, did you attend a public university in Texas in a fall or spring term? es No
	you answered "no", please continue to Part C. you answered "yes", complete questions 2-5:
2. What T	exas public institution did you last attend? (Give full name, not just initials.)
	n terms were you last enrolled? (check all that apply)fall, 20 spring, 20 summer, 20
nonresider	your last semester at a Texas public institution, did you pay resident (in-state) or nt (out-of-state) tuition? resident (in-state) nonresident (out-of-state) unknown
resident or	aid in-state tuition at your last institution, was it because you were classified as a because you were a nonresident who received a waiver? resident nonresident with a waiver unknown
within the plate this for	NT: If you were enrolled at a Texas public institution during a fall or spring semested previous 12 months and were classified as a Texas resident, skip to Part I, sign and part and submit it to your institution. If you were not enrolled, or if you were enrolled ed as a nonresident, proceed to Part C.
PART C.	Residency Claim.
If y If y	resident of Texas? Yes No ou answered yes, continue to Part D . ou answered no, complete the following question and continue to Part I . Of what state or country are you a resident? ou are uncertain, continue to Part D .

PART D. Acquisition of High School Diploma or GED.

	Yes	No
1. a. Did you graduate or will you graduate from high school or complete a		
GED in TX prior to the term for which you are applying?		
1. b. If you graduated or will graduate from high school, what was the name		
and city of the school?		
2. Did you live or will you have lived in TX the 36 months leading up to high		
school graduation or completion of the GED?		
3. When you begin the semester for which you are applying, will you have		
lived in TX for the previous 12 months?		
4. Are you a U.S. Citizen or Permanent Resident?		

Instructions to Part D:

- ◆ If you answered "no" to question 1a or 2 or 3, continue to **Part E.**
- ♦ If you answered "yes" to all four questions, skip to Part I.
 - ◆ If you answered "yes" to questions 1, 2 and 3, but "no" to question 4, complete a copy of the Affidavit in Chart I, provided as an Attachment to this form, skip to Part I of this form, and submit both this form and the affidavit to your institution.

PART E. Basis of Claim to Residency. TO BE COMPLETED BY EVERYONE WHO DID NOT ANSWER "YES" TO QUESTIONS 1a, 2, AND 3 OF PART D.

1. Do you file your own federal income tax as an independent tax payer? Yes No (An independent tax payer should not be claimed as a dependent for tax purposes by another person. If you file a joint return with your spouse, answer "yes.")
2. Are you claimed as a dependent or are you eligible to be claimed as a dependent by a parent or court-appointed legal guardian? Yes No (To be eligible to be claimed as a dependent, your parent or legal guardian must provide at least one-half of your support. A step-

3.	If you answered	"No" to both questions al	bove, who provides	the majority of your	support?
	Self	parent or guardian	_ other: (list)_		

Instructions to Part E.

- ♦ If you answered "yes" to question 1, and "no" to question 2, continue to **Part F**.
- ◆ If you answered "yes" to guestion 2, skip to Part G.
- ◆ If you answered "yes" to both questions 1 and 2, skip to Part G.

parent does not qualify as a parent if he/she has not adopted the student.)

- ♦ If you answered "no" to 1 and 2 and "self" to question 3, continue to Part F.
- ♦ If you answered "no" to 1 and 2 and "parent or guardian" to question 3, skip to Part G.
- ♦ If you answered "no" to 1 and 2 and "other" to question 3, skip to **Part H** and provide an explanation, and complete **Part I**.

PART F. Questions for students who answered "Yes" to Question 1 or "Self" to Question 3 of PART E.

	Yes	No	Years	Mo.	Visa/Status
1. Are you a U.S. Citizen?					
2. Are you a Permanent Resident of the U.S.?					

3. Are you a foreign national whose application for Permanent Resident Status has been preliminarily reviewed? (You should have received a fee/filing receipt or Notice of Action (I-797) from USCIS showing your I-485 has been reviewed and has not been rejected). 4. Are you a foreign national here with a visa or					
are you a Refugee, Asylee, Parolee or here under Temporary Protective Status? If so, indicate which.					
5. Do you currently live in Texas? If you are out of state due to a temporary assignment by your employer or another temporary purpose, please check "no" and explain in Part H .	Yes	No			
6. a. If you currently live in Texas, how long have you been living here?			Months	Years	
b. What is your main purpose for being in the state? If for reasons other than those listed, give an explanation in Part H .		to lege]	Establish/ a ho	me	Work Assignment []
7. a. If you are a member of the U.S. military, is Texas your Home of Record?	Yes	No			
b. If not, what state will have been listed as your military legal residence for tax purposes on your Leave and Earnings Statement for the 12 months prior to enrollment?	Sta	ate			

	Yes	NO
8. Do any of the following apply to you? (Check all that apply)		
3 3 11 37		
a Hold the title (Marranty Dood Dood of Trust, or other similar		
a. Hold the title (Warranty Deed, Deed of Trust, or other similar		
instrument that is effective to hold title) to residential real property		
in Texas?		
If yes, date acquired:		
b. Have ownership interest and customarily manage a business		
in Texas without the intention of liquidation in the foreseeable		
· ·		
future?		
If yes, date acquired:		
9. While living in Texas, have you: (Check all that apply)		
3 ,		
a Roon gainfully amployed for a paried of at least 12 consequtive		
a. Been gainfully employed for a period of at least 12 consecutive		
months? (Gainful employment requires an average employment		
of at least 20 hours per week for one year or earnings equal to at		
least half of tuition and living expenses for one 9-month		
academic year. Employment conditioned on student status such		
as work-study, the receipt of stipends, fellowships or research or		
teaching assistanceships does not constitute gainful		
employment.)		

	b. Received primary support through services from a social service agency for a period of at least 12 consecutive months?		
10.	a. Are you married to a person who has been classified as a Texas resident by a Texas public institution or who could answer "yes" to any part of question 8 or 9?	Question	
	b. If yes, indicate which question (and which part of the question) could be answered yes by your spouse:	Months	Years
	c. How long will you have been married to the Texas resident prior to enrollment?		

Skip **Part G** and Continue to **Part H**.

PART G. Questions for students who answered "Yes" to Question 2 of Part E or who answered "Parent or Guardian" to Question 3 of PART E.

	Yes	No	Years	Mo.	Visa/Status
Is the parent or legal guardian upon whom you	163	INO	Tears	IVIO.	VISa/Status
base your claim of residency a U.S. citizen?					
Is the parent or legal guardian upon whom you					
base your claim of residency a Permanent					
Resident?					
3. Is this parent or legal guardian a foreign					
national whose application for Permanent					
Resident Status has been preliminarily reviewed?					
(He or she should have received a fee/filing					
receipt or Notice of Action (I-797) from the USCIS					
showing his or her I-485 has been reviewed and					
has not been rejected)					
4. Is this parent or legal guardian a foreign					
national here with a visa or a Refugee, Asylee,					
Parolee or here under Temporary Protective					
Status? If so, indicate which.					
5. Does this parent or guardian currently live in					
Texas? If he or she is out of state due to a					
temporary assignment by his or her employer or					
another temporary purpose, please check "no"					
and explain in Part H.			Mantha	Vacus	
6. a. If he or she is currently living in Texas, how			Months	Years	
long has he or she been living here?					
h Miles (Communication of the Communication of the		to	Establish/maintain		Work
b. What is your parent's or legal guardian's	College []		a home		Assignment
main purpose for being in the state? If for			[]		[
reasons other than those listed, give an					
explanation in Part H .					

7.	a. If he or she is a member of the U.S.	military,
is	Texas his or her Home of Record?	•

b. If not, what state will have been listed as his or her military legal residence for tax purposes on his or her Leave and Earnings Statement for the 12 months prior to enrollment?

State			

	Yes	No
8. Do any of the following apply to your parent or guardian? (Check all that apply)		
a. Hold the title (Warranty Deed, Deed of Trust or other similar instrument that is effective to hold title) to residential real property in Texas? If yes, date acquired:		
 b. Have ownership interest and customarily manage a business In Texas without the intention of liquidation in the foreseeable future? If yes, date acquired: 		
9. While living in Texas, has your parent or guardian: (Check all that apply)		
a. Been gainfully employed for a period of at least 12 consecutive months? (Gainful employment requires an average employment of at least 20 hours per week for one year or earnings equal to at least half of tuition and living expenses for one 9-month academic year. Employment conditioned on student status such as work-study, the receipt of stipends, fellowships, or research or teaching assistanceships does not constitute gainful employment.)		
b. Received services from a social service agency for a period of at least 12 consecutive months? Note: the dollar value of social services received may be combined with earnings to total at least one-half of tuition and living expenses for one 9-month academic year.		
a. Is your parent or legal guardian married to a person who has been		
classified as a Texas resident by a Texas public institution or who could answer "yes" to any part of question 8 or 9?	Question):
b. If yes, indicate which question (and which part of the question) could		
be answered yes by your parent or guardian's spouse:	Months	Years
c. How long will your parent or guardian have been married to the Texas resident prior to enrollment?		

Part H. General Comments. Is there any additional information that you believe your college/university should know in evaluating your eligibility to be classified as a resident? If so, please provide it below:

PART I. Certification of Residency. All students must complete this section.

I understand that official	Is of my college/university v	vill use the information s	ubmitted or
this form to determine my state	us for residency eligibility.	I authorize the college/	university to
verify the information I have pro	ovided. I agree to notify th	e proper officials of the	institution of
any changes in the information	n provided. I certify that the	ne information on this a	pplication is
complete and correct and I und rejection of my application, wit and/or appropriate disciplinary a	hdrawal of any offer of ac		•
Cianatura		Data:	

Signature:	Date:
Signature.	Date:

AFFIDAVIT				
STATE OF TEXAS	§			
COUNTY OF	§ § §			
Before me, the undersigned No	otary Public, on this day personally appeare	d,		
known to me, who being by me duly sv	worn upon his/her oath, deposed and said:	_		
My name is years of age and have personal kr and correct.	nowledge of the facts stated herein, and the	I am ey are all true		
2. I graduated or will graduate from a Texas.	Texas high school or received my GED cer	tificate in		
3. I resided in Texas for three years le GED certificate.	eading up to graduation from high school or	receiving my		
4. I have resided or will have resided i semester in which I will enroll in (college/university).	in Texas for the 12 months prior the census	date of the		
5. I have filed or will file an application opportunity that I am eligible to do so.	to become a permanent resident at the ear	·liest		
In witness whereof, this	_day of,	·		
	(Signature)			
	(Printed Name)			
	(Student I.D.#)			
	BEFORE ME, on the	day of , to certify		
which witness my hand and official sea	al	_ ,		
	Notary Public in and for the State of	Texas		

Revised Chart II Documentation to Support Establishing and Maintaining Domicile in Texas

The following documentation may be requested by the institution regarding a person's responses to the Core Residency Questions. Documents that may be used as proof that:

- (1) The person or the dependent's parent established domicile in Texas, and
- (2) The person or the dependent's parent has maintained domicile in Texas continuously for at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls,

include but are not limited to the following:

Part A Documents that may Support the Establishment of Domicile in Texas and Maintenance of Domicile in Texas

- 1. SIGNIFICANT GAINFUL EMPLOYMENT
 - a. An employer's statement of dates of employment in Texas (beginning and current or ending dates) that encompass at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls. However, employment conditioned on student status, such as work study, the receipt of stipends, fellowships, or research or teaching assistantships does not constitute gainful employment.
 - b. Other documents that show the person or the dependent's parent, for at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls:
 - 1) has been engaged in employment intended to provide an income to the person or allow the person to avoid the expense of paying another to perform tasks (as in child care) that is sufficient to provide at least one-half of the individual's tuition and living expenses or represents an average of at least 20 hours per week; or
 - 2) is self-employed in Texas or is living off his/her earnings; or
 - 3) is primarily supported by public assistance in Texas.
 - c. For a person living on public assistance, written statements from the office of one or more social service agencies located in Texas that attest to the provision of services to the person for the 12 consecutive months immediately preceding the census date of the term in which the person enrolls.
- SOLE OR JOINT MARITAL OWNERSHIP OF RESIDENTIAL REAL PROPERTY

Title to residential real property in Texas with documentation to verify 12 consecutive months of ownership immediately preceding the census date of the term in which the person enrolls, such as a Warranty Deed, with the person or the dependent's parent having established and maintained domicile at that residence.

3. MARRIAGE TO A PERSON WHO HAS ESTABLISHED AND MAINTAINED DOMICILE IN TEXAS

Marriage Certificate or Declaration of Registration of Informal Marriage with documentation

to support that spouse has established and maintained domicile in Texas for the 12 consecutive months preceding the census date of the term in which the person enrolls.

4. OWNERSHIP OF A BUSINESS ENTITY

Documents that evidence the organization of the business in Texas that reflect the ownership interest of the person or dependent's parent, and the customary management of the business by the person or dependent's parent without the intention of liquidation for the foreseeable future.

Part B

Documents that May Provide Support to a Claim of Residence in Texas for the 12 Consecutive Months Immediately Preceding the Census Date of the Term in which the Person Enrolls

- 1. Utility bills for the 12 consecutive months preceding the census date;
- 2. A Texas high school transcript for full senior year immediately preceding the census date;
- 3. A transcript from a Texas institution showing presence in the state for the 12 consecutive months preceding the census date;
- 4. A Texas driver's license or Texas ID card that has not expired and, if it reflects an origination date, shows an origination date at least 12 months prior to the census date;
- 5. Cancelled checks that reflect a Texas residence for the 12 consecutive months preceding the census date;
- 6. A current credit report that documents the length and place of residence of the person or the dependent's parent to be in Texas and the length of residence to be at least 12 consecutive months preceding the census date.
- 7. Texas voter registration card that was issued at least 12 months prior to the census date.
- 8. Pay stubs for the 12 consecutive months immediately preceding the census date, reflecting significant gainful employment in Texas;
- 9. Bank statements reflecting a Texas address for the 12 consecutive months immediately preceding the census date;
- 10. Written statements from the office of one or more social service agencies, attesting to the provision of services for at least the 12 consecutive months immediately preceding the census date.
- 11. Lease or rental of residential real property in the name of the person or the dependent's parent for the 12 consecutive months immediately preceding the census date.

Part C

Other Documents that May be Used to Lend Support To or Clarify an Individual's Claim of Domicile or Residence, as Appropriate, in Texas

Among other documents that may be used to lend support to or clarify an individual's claim of having established and maintained domicile or residence, as appropriate, in Texas are the following:

- 1. Tax return of the student or parent(s).
- 2. Visa, passport or other pertinent immigration documents.
- 3. Leave and Earnings Statements (LES).
- 4. Documents or statements to clarify answers to Core Residency Questions.
- 5. A Texas high school transcript to verify thirty-six months' presence in the state and graduation from a Texas high school.
- 6. State of Texas or local (Texas) licenses to conduct a business or practice a profession in this state.

Figure: 19 TAC §21.25(c) Chart I AFFIDAVIT				
STATE OF TEXAS				
COUNTY OF	§ § §			
·	gned Notary Public, on this day perso			
known to me, who being by me	e duly sworn upon his/her oath, depos	sed and said:		
 My name is	nowledge of the facts stated herein ar	I am nd they are all true and		
2. I graduated or will graduate Texas.	e from a Texas high school or received	d my GED certificate in		
 I resided in Texas for thirty- receiving my GED certificate. 	six months leading up to graduation f	from high school or		
	resided in Texas for the 12 months im which I will enroll in			
	(colle	ege/university).		
5. I have filed or will file an ap as soon as I am eligible to do se	plication to become a permanent residu.	dent of the United States		
In witness whereof, this	day of	·		
	(Signature)	_		
	(Printed Name)	_		
	(Student I.D.#)	_		
	(Student Date of Birth)	_		
SUBCRIBED TO AND SWORI	N TO BEFORE ME, on the	day of		
		, to certify		
which witness my hand and offi	cial seal.			